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International Small Arms and Light Weapons Transfers: U.S. Policy

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Summary

This report provides general background on U.S. policy regarding the international trade in small arms and light weapons (SA/LW). It outlines major questions associated with the international trade in these items, and reviews United States efforts to assist in controlling the illicit transfers of these items. This report will be revised as developments warrant.

Background

In recent years attention has been focused by international organizations and non-governmental organizations in various fora on the issue of international small arms and light weapons transfers (SA/LW) to less-developed nations undergoing civil conflicts.¹ Views expressed by these groups have raised the interest of governments in examining the implications of the international trade in such weapons, particularly, illicit trading. International actions to deal with the small arms and light weapons trade generally have developed slowly in view of widely divergent views among nations concerned or affected by this trade, either as a recipient or supplier. Congressional interest in the subject resulted in a mandate to the State Department to provide a comprehensive report addressing significant policy questions regarding the international proliferation of small arms and light weapons. This report, formally submitted to Congress in October 2000, provided the first major overview of key views of the U.S. government on this topic.² The

¹ The United Nations' definition of small arms are those weapons manufactured to military specifications and designed for use by one person. Light weapons, according to the UN definition, are those utilized by several individuals working together as a crew. Ammunition and explosives required for either small arms or light weapons are covered by the definition.

² This report to Congress titled: "Proliferation in Small Arms: A Report Containing an Assessment of Whether the Global Trade in Small Arms Poses any Proliferation Problems," provides important details of the information used herein. The report was submitted on October 2, 2000 by Barbara Larkin, then Assistant Secretary of State for Legislative Affairs, pursuant to
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central elements of U.S. policy regarding international transfers of small arms and light weapons began to develop in the 1990's as part of overall U.S. policy toward conventional arms transfers generally. For its part, the United States, while recognizing that nations have a legal right to acquire weapons, including small arms, for legitimate self-defense purposes, also recognizes that there have been civil conflicts in various less developed nations and regions that have been exacerbated by ready access to small arms and light weapons. The U.S. government wants to deal, in a practical and effective way with the problem of international small arms and light weapons trafficking in regions of conflict, while continuing to recognize the "legitimacy of legal trade, manufacturing, and ownership of arms."³

Principal Objectives of United States Policy. To date, the United States Government has taken the position that illicit trafficking in small arms and light weapons poses the greatest threat to regional security in less-developed areas of the world undergoing civil strife. Thus, the United States believes that combating the illicit weapons trade should be the focal point of international efforts. U.S. diplomacy has been directed to achieving that outcome. Illicit trafficking includes illegal sales to insurgent groups and criminal organizations, illegal diversion of legitimate sales or transfers, and black market sales in contravention of embargoes or national laws. The re-circulation of small arms and light weapons from one conflict to another, and illegal domestic manufacturing of these items are also considered elements of illicit trafficking.

The United States has adopted a multi-pronged approach in its diplomacy to combat illicit small arms trafficking. The first element of United States policy is to attempt to curb black market or unauthorized transfers of small arms to zones of conflict, to terrorists, to international criminal organizations, and to drug traffickers. The second is to attempt to raise the arms export standards of other nations to U.S. standards. The third is to streamline and strengthen United States export procedures to improve accountability without interfering with the legal trade in and transfer of arms. The fourth is to support the destruction of excess stockpiles of small arms, particularly in regions where conflicts have ended. As U.S. Ambassador Donald J. McConnell has summarized the U.S. perspective:

"Ultimately, simple "one size fits all" solutions are ineffective in dealing with the complex, often region-specific problems caused by the proliferation of small arms and light weapons. Focused efforts to identify and curb the sources and methods of the illicit trade via robust export controls, law enforcement measures, and efforts to

² (...continued)

section 1311 of H.Rept. 106-479.

³ See article by U.S. Ambassador Donald J. McConnell, Deputy Assistant Secretary of State for Security Operations, Political-Military Affairs Bureau titled "Combating the Spread of Small Arms: The U.S. Approach," in U.S. Foreign Policy Agenda in the Electronic Journal of the Department of State. Volume 6, No.2, June 2001. This article and others by U.S. government officials and non-government advocates providing detailed background and perspectives on the topic *Small Arms and Light Weapons: U.S. Policy and Views* are found in a special issue at an on-line State Department website at [<http://usinfo.state.gov/journals/itps/0601/ijpe/ijpe0601.htm>]

expeditiously destroy excess stocks and safeguard legitimate government stocks from theft or illegal transfer are the best ways to attack the problem.⁴

Problems in Implementing United States Policy Goals. The U.S. State Department has reported that currently as many as seventy nations produce small arms and light weapons, many through licensing arrangements with other producers. These weapons are generally inexpensive and require minimal maintenance and training to operate. The foreign small arms and light weapons trade, whether it is legal or illegal, does not lend itself to easy monitoring. There is a lack of global standards generally and there are widely differing standards among nations on how to monitor and regulate this trade. Definitions of what items should be covered are also a source of difficulty. While the export licensing and monitoring laws, regulations and procedures of the United States are widely acknowledged to be the most transparent, comprehensive, and stringent in the world, in many countries arms transfers that would be illegal in the United States are not prohibited as a matter of law or regulation.

Small arms and light weapons are easily concealed, thus making it relatively easy for corrupt officials to permit illicit trafficking or for criminals to transfer these weapons, especially in nations that lack the human and financial resources needed for adequate inspections and export/import controls. Routes used for smuggling excess weapons into zones of conflict are chosen specifically to defy discovery and monitoring. Furthermore, poorer nations desperate for hard currency are tempted to market excess weapons to secure this revenue.⁵ And the widespread availability of these weapons further complicates establishment of control measures. According to the State Department, available rough estimates indicate that the overall number of small arms and light weapons in circulation globally range from 100 to 500 million and up. Efforts to obtain precise data on totals regarding these weapons and their sources, whether legal or illegal, is generally guesswork.⁶

Steps Taken By the United States to Advance Its Policy Goals. The United States has been active in international efforts to address the illicit trade in small arms and light weapons. On November 15, 1997, the United States and 27 other nations signed the Inter-American Convention Against the Illicit Trafficking in Firearms. This convention, which will be legally binding on its adherents, includes provisions to establish a system to license and track firearms sales in states of the Western Hemisphere, to enhance information exchanges on this trade among adherent states, and to mark

⁴ Ambassador Donald J. McConnell, "Combating the Spread of Small Arms: The U.S. Approach." Ibid.

⁵ For illustrations of the difficulty of monitoring illicit international trafficking of small arms and enforcing embargos on sales see Washington Post, May 14, 2001, p. A16 regarding Ukrainian weapons shipments to U.N. embargoed Ethiopia and Eritrea; and Washington Post, July 8, 2001, p. A19 regarding illicit Bulgarian arms shipments in the late 1990s to the UNITA insurgents in Angola.

⁶ The General Accounting Office in a July 2000 report to Senator Dianne Feinstein stated that "it is impossible to estimate the quantity of small arms and light weapons in circulation worldwide...." U.S. General Accounting Office. Conventional Arms Transfers: U.S. Efforts to Control the Availability of Small Arms and Light Weapons. Report to the Honorable Dianne Feinstein, U.S. Senate. GAO/NSIAD-00-141. Washington, July 2000, p.3.

firearms to facilitate their global tracing. This convention has not been ratified by many of its key signatories. It was submitted to the U.S. Senate in April 1998. It is still pending before that body.

On December 17, 1999, the United States and the European Union signed a “Statement of Common Principles on Small Arms and Light Weapons.” This statement contains a pledge by the parties to observe restraint in their export policies and to harmonize these policies and procedures governing small arms. This statement also included a commitment to plan together for a United Nations small arms conference aimed at “achieving tangible results...including an Action Plan for the international community to deal with the problem.”

The United States has also provided resources to assist other nations destroy their excess weapons stocks. The State Department cites U.S. assistance, through contributing experts and funds, in the destruction of small arms and light weapons and ammunition in Liberia, Kuwait, Haiti, Panama, Mali, Albania, and the former Yugoslavia. The United States has also facilitated an agreement among 10 nations in Southeastern Europe to seize and destroy illicit and surplus arms in that region.

The United States continues to participate in international fora aimed at addressing various issues associated with the international small arms and light weapons trade. It actively pursued its principal policy goals at the United Nations Conference on the “Illicit Trade of Small Arms and Light Weapons In All Its Aspects,” held July 9-20, 2001 at United Nations Headquarters in New York City. The program of action agreed to at this conference is non-binding on any state. It encourages nations to ensure that manufacturers use markings on small arms and light weapons to facilitate the tracing of illicit weapons transfers. It also encourages nations to establish procedures to monitor legal sales, transfer and stockpiling of small arms and light weapons, and urges governments to make the illegal manufacture, trade and possession of such weapons a criminal offense. The U.N. Conference further agreed to hold a follow-up conference to review measures undertaken to achieve the above goals.

On June 26, 2006, the United Nations began a conference aimed at reviewing the progress made in implementation of the previously agreed program of action to prevent, combat, and eradicate the illicit trade in small arms and light weapons. This conference met through July 7, 2006. The conference was unable to agree on an outcome document. The United States Representative to the conference stated on July 7, 2006, that the United States would continue to provide assistance to those nations seeking to implement the program originally agreed upon in 2001. He noted that it was the intent of the United States to continue its efforts in the areas of transport controls, export controls, and marking and tracing. It further “intended to expand its efforts in Africa and Eastern Europe.” Other conference participants expressed similar commitments in support of the 2001 program of action.⁷

⁷ United Nations General Assembly DC/3037. Department of Public Information. New York.